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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,430	03/13/2000	RUDOLF MEIER	030705-164	1172

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EXAMINER

AKHAVANNIK, HUSSEIN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 11/06/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,430

Applicant(s)

MEIER ET AL.

Examiner

Hussein Akhavannik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 7, reference numbers 12 and 13 are explained as being images. However, reference number 13 is not an image and should be change to reference number 30. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities:
 - a. On page 5, line 17, reference number 41 is explained as being an axis in figure 7. However, reference number 41 does not exist in figure 7 and should be changed to reference number 45.
 - b. On page 6, line 4, reference numbers 65 to 78 are explained as being lines in figure 9. However, reference number 78 does not exist in figure 9 and should be changed to reference number 76.
 - c. The specification is not labeled properly. Please note the required content of the specification below:

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and

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Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly

complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Appropriate correction is required.

Drawings

3. Drawing 9 is objected to because of smudges in the top left hand corner of the drawing.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "faults of the fabric are associated with the classes" in claim 6. There is insufficient antecedent basis for this limitation in the claim, as claim 6 has been cancelled.

Claim 9 recites the limitation "classes are divided into groups" in claim 6. There is insufficient antecedent basis for this limitation in the claim, as claim 6 has been cancelled.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Leuenberger (U.S. Patent No. 6,100,989).

Referring to claim 1, evaluating faults determined of a swatch of the surface of textile fabrics and that the faults are sorted according to at least two parameters is explained by Leuenberger in column 5, lines 36-66. The swatch is the area of the web being imaged, illustrated by Leuenberger in figure 1 and figure 3. The first parameter used for sorting is the brightness or color intensity values that are recorded. The second parameter is the position of the area from which the defect is recorded. The faults being represented in an image as a function of the parameters is explained by Leuenberger in column 5, lines 63 to column 6, line 3 and illustrated in figure 3.

Referring to claim 2, the swatch is which the faults are detected forming a rectangle whose sides extend parallel and perpendicularly to the boundaries of the fabric is illustrated by Leuenberger in figures 1 and 3. Reference numbers 5 and 6 of figure 1 are areas that are imaged and both areas have sides that extend parallel and perpendicularly to the boundaries of the fabric. Leuenberger explains imaging these areas in column 4, line 67 to column 5, line 6.

Referring to claim 3, the extent of a detected fault in two directions being a parameter is explained by Leuenberger in column 5, lines 58-63. The position of the camera would relate to the extent of the detected fault as the camera is moved along the swatch in figure 1 in the direction of arrow 9. Leuenberger also explains that the camera could be moved in a direction other than that of arrow 9 in column 6, lines 42-46, therefore being able to obtain the extent of the detected fault in two directions.

Referring to claim 4, the intensity of a fault being a parameter is explained by Leuenberger in column 5, lines 43-46.

Referring to claim 5, the form of a fault being provided as a parameter is explained by Leuenberger in column 4, lines 29-39.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuenberger in view of Brecher et al (U.S. Patent No. 5,544,256).

Referring to claim 7, the image consisting of fields and a class being associated with each field is not explained by Leuenberger. However, Brecher et al do illustrate an image consisting of fields of defects in figure 7 as reference numbers 12 and 14. Both Leuenberger and Brecher et al inspect and classify visual defects and then provide those defects in an image. Defining feature spaces in images of defects is well known to one of ordinary skill in the art as a method to classify defects. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to define fields in an image and each field being associated with a class of the defects.

Referring to claim 8, the values for the detected number of faults in the fabric being associated with the classes is explained by Leuenberger in column 4, lines 29-39. The value associated with defect 11 indicates a weft defect and the value associated with defect 12 indicates a warp defect.

Referring to claim 9, the classes being divided into groups by boundaries are not explained by Leuenberger. However, Brecher et al do illustrate such boundaries in figure 7. There are 4 lines around the spaces 12 and 14, which define a boundary for each class in figure 7. It is well known to one of ordinary skill in the art the defining multiple classes in a 2 dimensional image would require that lines be drawn create boundaries to separate the classes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to divide the classes of faults into separate groups by boundaries.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakamoto (U.S. Patent No. 3,613,743) – To exhibit classification of defects to determine fabric quality and using the intensity of an image to determine defects.

Surka (U.S. Patent No. 4,728,800) – To exhibit determination of a defect using both the location and magnitude of the defect.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein Akhavannik whose telephone number is (703)306-4049. The examiner can normally be reached on M-F 8:30-5:00.

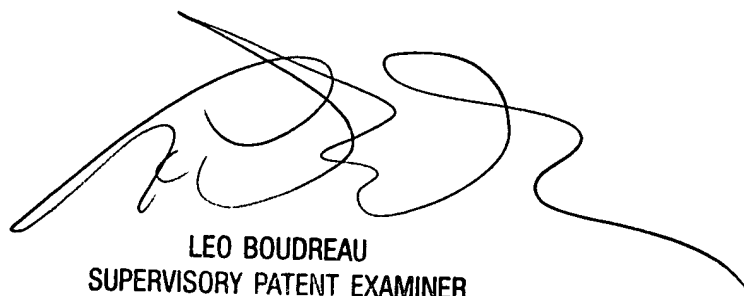
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H. Boudreau can be reached on (703)305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Hussein Akhavannik
November 1, 2002

H.A.



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